

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

DECEMBER 10, 1999

IN RE:

PETITION BY ICG TELECOM GROUP, INC.  
FOR ARBITRATION OF AN INTERCONNECTION  
AGREEMENT WITH BELL SOUTH TELECOMMUNI-  
CATIONS, INC. PURSUANT TO SECTION 252 (b) OF  
THE TELECOMMUNICATIONS ACT OF 1996

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)  
) DOCKET NO.  
) 99-00377  
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PETITION FOR ARBITRATION OF ITC^DELTACOM  
COMMUNICATIONS, INC. WITH BELL SOUTH  
TELECOMMUNICATIONS, INC. PURSUANT TO  
THE TELECOMMUNICATIONS ACT OF 1996

)  
) DOCKET NO.  
) 99-00430  
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MOTION FOR CONSOLIDATION ON RECIPROCAL COMPENSATION ISSUE

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On October 12, 1999, at a specially scheduled Pre-Arbitration Conference, the Directors of the Tennessee Regulatory Authority, acting in their capacity as Arbitrators, considered ICG's *Motion for Consolidation on the Reciprocal Compensation Issue* filed on October 8, 1999. ICG's motion requested that Issue No. 1, relative to reciprocal compensation for dial-up calls to Internet service providers, be heard at the hearing scheduled for November 1, 2 and 3, 1999, in Docket No. 99-00430 (the "*ITC^DeltaCom Arbitration*"); such issue to be heard concurrently with a similar issue, Issue No. 3(1) in Docket No. 99-00430. BellSouth did not file a written response to ICG's motion, however, both parties were afforded the opportunity at the October 12<sup>th</sup> Pre-Arbitration Conference to present oral argument concerning the motion.

Subsequent to the presentation of oral argument, a majority of the Arbitrators

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determined that it is appropriate to consolidate these arbitrations solely for the purpose of hearing and receiving proof on the reciprocal compensation issue. Concluding that these issues are common to both arbitrations, and judicial economy would be gained by the simultaneous presentation of evidence on the same, the majority determined that the *Motion for Consolidation on the Reciprocal Compensation Issue* should be granted.<sup>1</sup>

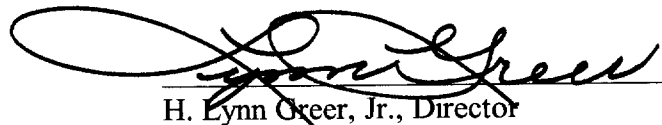
**IT IS THEREFORE ORDERED THAT:**


1. The *Motion for Consolidation on the Reciprocal Compensation Issue* filed by ICG Telecom Group, Inc. on October 8, 1999 is granted.

**TENNESSEE REGULATORY AUTHORITY,  
BY ITS DIRECTORS ACTING AS ARBITRATORS**

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Melvin J. Malone, Chairman

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H. Lynn Greer, Jr., Director

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Sara Kyle, Director

ATTEST:

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K. David Waddell, Executive Secretary

\* \* \* Chairman Malone voted against approval.

<sup>1</sup> Given the timing of the filing and the potential procedural problems that could arise from granting the same, Chairman Malone voted against ICG's motion.

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